The Times Dispatch

THE DISPATCH FOUNDED 1850. THE TIMES FOUNDED 1886. | WHOLE NUMBER 18,621. | RICHMOND, VA., TUESDAY, MAY 16, 1911. | THE WEATHER TO-DAY—Fair. | PRICE TWO CENTS.

NO TERMS IN JAIL WILL BE IMPOSED ON LABOR LEADERS

SAMUEL GOMPERS.

JOHN MITCHELL.

FRANK MORRISON.

JUSTICE LAMAR, Who Read Decision.

COURT SETS THEIR SENTENCE ASIDE

Gompers, Mitchell and Morrison Win Victory in Contempt Litigation.

CASE HELD CIVIL ONE

Decision of Justices, Handed Down by Lamar, Is Unanimous.

No Further Action; Case Now Is Closed

St. Louis, Mo., May 15.—The Bucks Stove and Range Company will not institute civil action against Samuel Gompers, John Mitchell and Frank Morrison, according to F. D. Gardner, chairman of the board, to-day. He said the company and the American Federation of Labor are on friendly terms. The case decided by the Supreme Court of the United States was prosecuted by the American Anti-Boycott Association, of which the Bucks Stove and Range Company is no longer a member.

Washington, D. C., May 15.—Samuel Gompers, John Mitchell and Frank Morrison, president, vice-president and secretary of the American Federation of Labor, respectively, stepped from without the shadow of the jail to-day when the Supreme Court of the United States set aside their sentences of imprisonment for contempt growing out of, the litigation between the Bucks Stove and Range Company and the federation.

The highest tribunal in the land has left with the lower court, however, the right to reopen the contempt proceedings. This grant of power probably will not be accepted and the case practically is ended with to-day's decision.

The basis of the court's decision was that the labor officers were for civil contempt, which could be punished only by the imposition of a fine. The sentence of the lower court to imprisonment was the penalty for the criminal contempt, and in the premises it was, therefore, not a legal punishment.

The case, which grew out of the so-called boycott of the stove corporation by the American Federation of Labor, three years ago, is one of the greatest importance alike to union labor and to the employers of union labor.

No Individual Rights.

The Supreme Court holds that the published or spoken utterances of organized labor can be enjoined or attacked legally because organized labor is a combination, and as such, relinquishes the rights of individuals. It also establishes the fact that legal prosecution can be levelled not only at the union itself, but at its officers as well.

In handing down its unanimous opinion, read by Justice Lamar, the court reviewed the case brought by the Buck's Stove and Range Company against Gompers, Mitchell and Morrison, seeking to enjoin them from placing the company on its "unfair" and "we don't patronize" lists published regularly in the American Federationist, the official publication of the federa-

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POLICE BATTLE WITH STRIKERS

Score of Officers Injured in Desperate Fight at Grand Rapids.

MANY WOMEN TAKE PART

Not Until Arrival of Fire Department Is Angry Mob Quelled.

Grand Rapids, Mich., May 15.—At least a score of policemen were injured and many members of a mob of 2,000 striking furniture workers and sympathizers were hurt in a riot at the plant of the Widdicomb Furniture Company to-night. Several of the injured may die.

After a fierce battle with revolvers, clubs, stones and missiles, in which the police were badly beaten, a fire engine company attacked the mob with streams of water, and succeeded in quelling the disturbance to a considerable extent. Many women were active among the rioters.

The trouble started when a mob of about 300 men, women and boys attacked a closed automobile driven by Ralph Widdicomb, of the furniture company, who was taking several strike-breakers from the factory. One of the policemen on guard at the plant attempted to make an arrest, and the mob closed in on him. Other policemen, with drawn revolvers, quickly arrived, but were overwhelmed. A squad of reserves was rushed to the scene, and soon began firing, and the fire was returned by the rioters. Several of the police officers were knocked senseless by missiles hurled or swung by women.

Mayor Ellis made a fruitless attempt to quell the riot before the fire department was summoned. A terrific battle ensued as the firemen began to lay their lines, in which the mob was finally overcome and broken up. The strike-breakers were spirited away, and while comparative quiet now reigns, a force of officers will patrol the district all night.

MRS. TAFT BETTER

She Will Be Able to Return to Washington Thursday.

Washington, May 15.—President Taft received assurances from New York late this afternoon that the condition of Mrs. Taft had improved so much that she would be able to return to Washington Thursday. The President felt so much relieved at the news that he went to a local theatre to-night. Announcement was made at the White House that the social program which Mrs. Taft had mapped out for the spring will be adhered to. The dinner to the Fur Seal Commissioners on Thursday night and the garden party, which is on the program for Friday, will be given. Miss Helen Taft will act as mistress of the White House on both occasions.

TAFT IS CENSURED

Ministers Regret His "Desecration" of Sabbath Day.

Harrisburg, Pa., May 15.—Resolutions expressing regret that President Taft traveled to this city yesterday to address the big Sunday meeting of railroad trainmen were adopted to-day by the Methodist Ministerial Association of Harrisburg and vicinity.

The resolutions, in addition to voicing sorrow at the occurrence, expressed the hope that there may be no repetition of what is termed "desecration" of the day.

The Governor of Pennsylvania, the Mayor and the former Mayor of the city and the clergymen who participated in the exercises yesterday are also mentioned in the resolutions.

PEACE PARLEYS MAY BRING END OF HOSTILITIES

Madero Believes War Will Be Over in Short Time.

CONFERS WITH ENVOY OF DIAZ

Federal Government Inclined to Accept Latest Propositions Submitted by Rebels—Chihuahua in Fear of Attack, and Desperate Condition Prevails in That City.

Juarez, Mexico, May 15.—Provisional President Francisco I. Madero, Jr., at the conclusion of a conference with Judge Carbajal, the Federal peace envoy, to-night announced that there was a strong probability that peace would be restored in Mexico within a short time.

"Judge Carbajal brought some propositions," said Senor Madero to an Associated Press reporter, "and I made some modifications in our original propositions. In fact, these concessions, slight though they may be, were made to show our willingness to meet the government half way; and, after our military triumphs, it more than indicates our good disposition to treat for peace."

Senor Madero said that the next move on the peace checkerboard should be made by the Diaz government, but he talked as if to-morrow there would be a favorable reply from the government. This immediately would end the revolution.

There was evident, on the other hand, a determination to prosecute the war should the government refuse to accede. He gave the impression that the affair had reached the point of an ultimatum, and that the die would be cast to-morrow.

To-day, preparations for a vigorous pushing of the revolution, at a standstill for the time being, because of the victory of Juarez, and the first serious efforts to make the provisional government of Mexico something more than a name, were grimly evident.

The war situation may be epitomized as follows: On to Chihuahua and then Mexico City. This plan is not admitted or even discussed in public by the revolutionists, but it is in the air.

Peace Seems Near.

Mexico City, May 15.—Peace again loomed big on the horizon of Mexico's internal affairs to-day, and led Foreign Minister de la Barra to remark:

"We believe that we are making great progress towards peace."

Negotiations Resumed.

The end of the revolution in Mexico seems near. Judge Carbajal, Federal peace commissioner, this morning received telegraphic instructions from Mexico City to proceed with peace negotiations along the line proposed by Rafael Hernandez yesterday, carried in last night's Associated Press dispatches, and based upon Madero's demands.

To Reorganize Cabinet.

Juarez, Mexico, May 15.—Indirect assurances that the Federal government is inclined to accept the propositions submitted unofficially within the last two days by the insurrectos for the establishment of peace were received here to-day by Rafael Hernandez, one of the go-betweens in the negotiations. The government is believed to be ready to reorganize the cabinet and give the insurrectos four members out of eight and to allow the revolutionists to name outright fourteen Governors of twenty-seven states, and by mutual agreement select the remaining sixteen Governors.

More definite advices giving the attitude of the government were expected later in the day. Optimism of the probable success of the peace parleys now taking place by telegraph with Mexico City prevailed to-day.

Not Likely to Attack.

It was not believed that Colonel Rabago, who last night was reported to be marching on Juarez, would provoke any engagement at this time, though the insurrectos took no chances and prepared to meet him.

Some reports had it that Rabago Villas and Terrazas were not far from Chihuahua, and a week's march from here, awaiting orders. The belief exists that the Federal government will not in that case send him marching orders in view of the probable success of the present negotiations.

In Fear of Attack.

Chihuahua, Mexico, May 13—(via El Paso, Tex., May 15).—Chihuahua now stands in fear of an attack, and many people feel that any resistance is hopeless. The 2,000 insurrectos who are approaching from the south, to-day reached Escalon, a few miles below Jiminez. As they proceed, the insurrectos are tying up the National Railroad line not protected by Federal troops. The Federal troops south of here are all retreating to Chihuahua, having found it impossible to stem the onward march of the insurrectos. An armored train, filled with Federal troops, which went south to open the railroad, soon returned with the report that the enemy was in overwhelming numbers, and an attack from the train would have meant annihilation.

The belief is that the insurrectos soon will take Jiminez, together with the branch railroad running to Parral, and then will encamp around Chihuahua to attack the city in conjunction with part of Madero's forces from Juarez. The Federal troops are regarded as effectively bottled up. Only 1,500 Federals are in Chihuahua city. General Rabago's 1,200 men, who started to Juarez, are cut off from return by an insurrecto band, which came in behind them. The situation in the city is becoming daily more desperate. Supplies are scarce. All train and telegraph communication has been cut off for two weeks.

Governor Ahumada to-day issued an

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SUPREME COURT ORDERS DISSOLUTION OF STANDARD OIL COMPANY, DECLARING IT MONOPOLY IN RESTRAINT OF TRADE

Tremendous Legal Struggle of Years Finally Is Ended.

EPOCH-MAKING IN ITS IMPORT

Sherman Anti-Trust Law Upheld, but Its Application is Limited to Acts of "Undue Restraint," and Thus Prayers of Business World Are Answered.

What Court Holds in Standard Case

The Supreme Court holds:

That the Standard Oil Company is a monopoly in restraint of trade.

That this giant corporation must be dissolved within six months.

Corporations whose contracts are "not unreasonably restrictive of competition" are not affected.

Other great corporations whose acts may be called into question will be dealt with according to the merits of their particular cases.

The court was unanimous as to the main features of the decision, Justice Harlan dissenting only as to a limitation of the application of the Sherman anti-trust law.

President Taft and his Cabinet will consider immediately the entire trust situation and the advisability of pressing for a Federal incorporation act.

A decision in the Tobacco Trust case, which was expected simultaneously, was not announced to-day and may be handed down on May 20.

Washington, D. C., May 15.—The Standard Oil Company of New Jersey and its nineteen subsidiary corporations were declared to-day by the Supreme Court of the United States to be a conspiracy and combination in restraint of trade. It also was held to be monopolizing interstate commerce, in violation of the Sherman anti-trust law. The dissolution of the combination was ordered to take place within six months.

Thus ended the tremendous struggle of years on the part of the government to put down by authority of law a combination which it claimed was a menace to the industrial and economic advancement of the entire country. At the same time the court interpreted the Sherman anti-trust law so as to limit its application to acts of "undue restraint" of trade, and not "every" restraint of trade. It was on this point that the only discordant note was heard in the court. Justice Harlan dissented, claiming that cases already decided by the court had determined once for all that the word "undue" or "unreasonable" or similar words were not in the statute. He declared that the reasoning of the court in arriving at its finding was in effect legislation which belonged in every instance to Congress and not to the courts.

"Business World" Pleased.

Ever since the decree in this case in the lower court, the United States Circuit Court for the Eastern District of Missouri, was announced, hope had been expressed by the "business world" that the law would be modified so as not to interfere with what was designated as honest business. To-night that section of the opinion calling for the use of the "rule of reason" in applying the law is regarded in many quarters as an answer to the prayers of the "business world."

The opinion of the court was announced by Chief Justice White. In printed form, it contained more than 20,000 words. For nearly an hour the Chief Justice discussed the case from the bench, going over most of the points in the printed opinion, but not once referring to it in order to refresh his memory. Before him sat a distinguished audience of the most famous men of the country. Senators and Representativs left their respective chambers in the Capitol to listen to the epoch-making decision of the court. Most eager to hear were Attorney-General Wickersham and Frank B. Kellogg, special counsel of the government, who had conducted the great fight against the Standard Oil. None of the brilliant array of counsel for the corporations or individual defendants was present in the court during the reading of the opinion.

To-day, as on previous decision days for months past, rival brokers' agents with messengers in line to the various telephone and telegraph instruments throughout the Capitol, were on hand, but to their dismay the announcement of the decision was not begun until an hour after the closing of the stock markets.

Tobacco Case Next.

Many expected that the decision of the court in the dissolution suit against the tobacco corporation would be handed down immediately after the decision in the Standard Oil case. This was not done, however, but the decision is expected on May 29, the last decision day of the court until next October.

The opinion of the court to-day was construed to mean that the tobacco case, like every other case in which restraints of trade are alleged, must be subjected to the new test of reasonableness of the restraint, as laid down in the Standard Oil decision.

By far the greater portion of the opinion of the Chief Justice was devoted to the justification of the court in requiring that the "rule of reason" be applied to restraints in trade before they were held to be violations of the Sherman anti-trust law. The court found this justification in the common law of the forefathers, and in the general law of the country at the time the Sherman anti-trust law was passed. In short, the court held that the technical words of the statute were to be given the meaning which these words had in the common law, and in the law of the country at the time of the enactment. This meaning of the words, according to the court, called for the exercise of reason in determing what restraint of trade were prohibited.

Chief Justice's Opinion.

Chief Justice White, in his opinion, first reviewed the preliminary proceedings in the case in the Circuit Court of the United States for the Eastern District of Missouri. He restated the essential points in the bill of the government asking for the dissolution of the Standard Oil and the answer questioning the jurisdiction of the court and denying the claims of the government. He dismissed the objection to the jurisdiction in a few words, by holding that it was not well founded. He then came to the arguments as to the law and the facts in the case, saying that out of the "jungle" of law and facts both sides were agreed only on one thing, and that was that the determination of the controversy rested upon the proper construction and application of the first and second sections of the anti-trust act. The views of the two sides, as to the law, the Chief Justice said, were as wide apart as the poles. The same he said was true as to the facts.

"Thus, on the one hand, with relentless pertinacity and minuteness of analysis," said the Chief Justice, "it is insisted that the facts established that the assailed combination took its birth in a purpose to unlawfully acquire wealth by oppressing the public and destroying the just rights of others, and that its entire career exemplifies an inexorable carrying out of such wrongful intents, since, it is asserted, the pathway of the combination from the beginning of the time of the filing of the bill is marked with constant proofs of wrong inflicted upon the public, and is strewn with the wrecks resulting from crushing out, without regard to law, the individual rights of others. * * *

Called Enduring Menace.

"It is asserted that the existence of the principal corporate defendant, the Standard Oil Company, of New Jersey, with its vast accumulation of property, because of its potency for harm and the dangerous example which its continued existence affords, is an open and enduring menace to all freedom of trade and a byword and reproach to all modern economic methods.

"On the other hand, in a powerful analysis of the facts, it is insisted that they demonstrate that the origin and development of the vast business which the defendants control was but the result of lawful competitive methods, guided by economic genius of the highest order, sustained by courage, by a keen insight into the commercial position, resulting in the acquisition of great wealth, but at the same time serving to stimulate an increased production, to widely extend the distribution of the products of petroleum at a cost largely below that which would otherwise have prevailed, thus proving to be at one and the same time a benefaction to the general public as well as an enormous advantage to individuals."

In this state of affairs, the Chief Justice seized upon the single point of concord, namely, the application of the two sections of the Sherman anti-trust law, as the initial basis of an examination of the contention. The rest of his opinion divided itself into a consideration of the meaning of the Sherman anti-trust law in the light of the common law and the law of the

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Chief Justice White, who rendered decision, and Frank Kellog (small picture), who handled the case for the government.

Giant Corporation Must Be Dissolved Within Six Months.

COURT'S OPINION IS UNANIMOUS.

Government Wins Sweeping Victory in Bitterly Fought Litigation, Decree of Lower Tribunal Being Upheld. Decision Announced by Chief Justice White.

Take Up Solution of "Trust Question"

Washington, D. C., May 15.—President Taft and his Cabinet to-morrow will take up the solution of the "trust question," brought sharply before them by the Standard Oil decision. Administration officials knew absolutely nothing as to how the Supreme Court would determine the case, but a decision in favor of the government was not unlooked for especially by the President, Attorney-General Wickersham, Secretary Knox and other lawyers in the Cabinet.

Last fall, long before the final arguments in the case were made, Mr. Wickersham, with the approval of the President, framed a "Federal incorporation bill," designed to permit the existence of legitimate combinations of capital, but so worded as to prohibit monopolies, and subjecting corporations to government supervision. That measure was never pressed in Congress, although it was introduced. Its reintroduction in this Congress is a possibility.

The President had nothing to say about the decision to-night. He wished, he told callers, first to read it carefully, to discuss it with the Cabinet and to dissect it with Mr. Wickersham.

RAILROADS ORDERED TO COMPLY WITH ACTS

Their Absolute Duty to Keep Safety Appliances in Repair.

SUPREME COURT RULES

Hereafter Mere "Reasonable Diligence" on Their Part Will Not Suffice.

Washington, May 15.—Railroads coming within the terms of the safety appliance acts of Congress in 1893 and 1903 are under an absolute duty to keep in repair automatic couplers and other appliances prescribed by law, and not merely a duty to exercise reasonable diligence in repairing. Such was the decision to-day of the Supreme Court of the United States.

Vital Questions.

By an odd coincidence, a number of vital questions concerning the scope of the safety appliance acts of Congress came before the Supreme Court of the United States about the same time and were heard together.

One of these arose in the suit of F. M. Delk, a brakeman on the St. Louis and San Francisco Railroad Company, for injuries suffered while attempting to manipulate a defective coupler of a car on a switch in Memphis, Tenn. The United States Circuit Court of Appeals for the Sixth Circuit finally decided against Delk, on the ground that while the railroad was under an absolute duty to equip cars with automatic couplers and other appliances required by the safety appliance acts, yet it was only under the common law duty to exercise reasonable diligence when it came to repairing the appliances. Delk had contended that the acts changed the common law duty so as to make the railroad absolutely liable for not repairing appliances required by the statutes, as well as for not equipping cars with the appliances.

The direct reverse of this holding was announced by the United States Circuit Court of Appeals for the Eighth Circuit, when the United States sought to recover from the Chicago, Burlington and Quincy Railway Company $100 for each of four alleged violations of the acts. There it was held that the railway company was under an absolute obligation to keep the safety appliances with which their cars must be equipped in repair. The railroad claimed that the court held them liable, notwithstanding the company did not know its cars were out of repair and had no intention to violate the law.

Case in Colorado.

Another question was passed upon by the United States District Court of Colorado, when it held that the Colorado and Northwestern Railroad Company, a narrow gauge railroad entirely within Boulder county, Col., and said to be using locomotives and cars equipped with the old link and pin couplers was liable to the government for a violation of the law. In so doing the court held that it was not necessary to order or bring a connecting carrier within the safety appliance acts for it to have an arrangement for a

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ANOTHER TWIST IN BATHTUB CASE

Supreme Court May Be Called On to Interpret Immunity Statutes.

Washington, May 15.—The government's case against the so-called Bathtub Trust took a twist to-day, which may involve an interpretation of the immunity statutes by the Supreme Court of the United States, and may possibly thereby affect nearly every anti-trust prosecution now under way.

The Colwell Lead Company, one of the defendants in the government's civil suit asked the Supreme Court to review Judge Howland's recent decision in the United States Circuit Court in Philadelphia, that one defendant in the case, when called by another as a witness, could not claim the protection of the immunity statutes. The Department of Justice holds that Congress intended the immunity statutes to protect witnesses testifying for the government. Judge Howland so ruled. Department of Justice officials declare that to allow immunity to one defendant in an anti-trust suit because he is called as a witness by a co-defendant would practically emasculate the Sherman law.

Dignity Raised a Notch.

The dignity of assistant secretaries in the government departments here was raised a notch or so to-day when the Supreme Court held that notice by Assistant Secretary of War Oliver to the Hannibal Bridge Company to alter its bridge across the Mississippi River was equivalent to notice by the Secretary of War. President Taft was Secretary of War when the notice was issued.

The bridge company failed to make the alterations. When the government proceeded against it and the Wabash Railroad Company, which uses the bridge, the point was raised that the law requiring the "Secretary of War" to give notice was not satisfied by the act of an "assistant secretary."

Victory for Gas Company.

Natural gas may be transported out of Oklahoma in pipe lines and the State cannot prevent it, according to a decision to-day by the Supreme Court.

The court in effect approved an injunction to prevent the Oklahoma officials from interfering with the Kansas Natural Gas Company laying a pipe line into Oklahoma. The court held that the State officials in so doing were interfering with interstate commerce. An Oklahoma statute authorizing the acts of the officials was held to be unconstitutional and void.

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Appeal Dismissed.

The Supreme Court dismissed for want of jurisdiction the appeal from the sentence of contempt recently imposed by Judge Lacombe in the United States Circuit Court at New York on United States District Attorney Henry A. Wise. The attorney had refused to obey the order of the court to return to Lawrence H. Mills and associated importers their books seized when they were arrested on charges of violating the customs laws.

Uncle Sam and Farmers

In an article prepared for next Sunday's Times-Dispatch by Frank G. Carpenter, that well-known writer discusses some new schemes of the Agricultural Department, as outlined by Secretary Wilson. Interesting stories of little corn raisers are related, and he discusses farming with goats and calves, declaring this to be a movement which will revolutionize the South.